

1 Section 116650 of the California Health and Safety Code authorizes the issuance of a
2 citation to a public water system for violation of the California Safe Drinking Water
3 Act (Health and Safety Code, Division 104, Part 12, Chapter 4, commencing with
4 Section 116270) (hereinafter "California SDWA"), or any regulation, standard, permit
5 or order issued or adopted thereunder.
6

7 The State Water Resources Control Board, acting by and through its Division of
8 Drinking Water (hereinafter "Division") and the Deputy Director for the Division
9 (hereinafter "Deputy Director"), hereby issues a citation to Boron Rest Stop Water
10 System (mailing address: 500 South Main Street, Bishop, CA 95314) for violation of
11 California Code of Regulations (CCR), Title 22, Section 64426.1 subsection (b)(2).
12

- 13 • The Water System collects four (4) routine distribution system bacteriological
14 samples per month. Two (2) samples are collected from the eastbound rest
15 area and two (2) samples are collected from the westbound rest area.
- 16 • Two (2) routine bacteriological quality samples collected on February 10,
17 2015, from the eastbound rest area tested negative for total coliform bacteria.
- 18 • One (1) out of the two (2) routine bacteriological quality samples collected on
19 February 10, 2015, from the distribution system of the westbound rest area,
20 tested positive for total coliform bacteria. The total coliform positive sample is
21 identified as 1-ROU (East Spigot) in the Water System's Bacteriological
22 Sample Siting Plan dated December 18, 2014.
- 23 • One (1) out of four (4) repeat bacteriological samples collected on February 12,
24 2015, from the distribution system of the westbound rest area, tested positive
25 for total coliform bacteria.
26
27



- 1 • One (1) repeat bacteriological sample collected on February 12, 2015, from
2 Well 02-Westbound (also counted towards the Ground Water Rule's trigger
3 source sampling requirement), tested negative for total coliform bacteria.
- 4 • **Boron Rest Stop Water System failed the total coliform maximum**
5 **contaminant level (MCL) for February 2015 [Section 64426.1(b)(2),**
6 ***Authorities*].**
- 7 • On February 18, 2015, Mark Heckman from the Water System notified the
8 Division via email that the Water System failed the total coliform MCL for
9 February 2015.
- 10 • Mr. Heckman also notified the Division that both eastbound and westbound
11 rest areas would remain close to the public from February 17, 2015, for next
12 three weeks, due to maintenance related issues.
- 13 • While the rest area was closed to the public, both wells (Well 01 and Well 02)
14 and distribution system of both westbound and eastbound area were disinfected
15 and flushed thoroughly on February 23, 2015. A sampling tap (1-ROU) was
16 also replaced at that time.
- 17 • Five (5) special bacteriological samples, collected on February 24, 2015, from
18 the distribution system of the westbound rest area, tested negative for total
19 coliform bacteria. No samples were collected from the eastbound rest area.
- 20 • Both westbound and eastbound rest areas were opened to the public on March
21 9, 2015.
- 22 • On March 5, 2015, a public notice and Certification of Completion of Public
23 Notification were emailed to the Water System for the February 2015 total
24 coliform MCL failure.
- 25 • On March 23, 2015, the Division received signed and dated copies of the
26 Certification of Completion of Public Notification and the public notice.
27



1 According to these documents, public notification was completed on March 6,
2 2015.

- 3 • On March 5, 2015, an investigation report was emailed to the Water System,
4 for the February 2015 total coliform MCL failure.
- 5 • On March 23, 2015, the Division received a completed copy of the
6 investigation report from Mr. Mark Heckman. According to the investigation
7 report, a possible cause of the total coliform positive samples was described as
8 a need for annual flushing of the Water System and bad sample tap. The
9 sampling tap (1-ROU) was replaced.
- 10 • Due to total coliform positive samples in February 2015, the Water System was
11 required to collect five (5) routine samples in March 2015. On April 16, 2015,
12 Mark Heckman notified the Division that the Water System failed to collect
13 any routine distribution system samples in March 2015[Section 64424(d),
14 *Authorities*].
- 15 • Results of all (source and distribution) bacteriological samples collected from
16 January 2014 to February 2015 are summarized in **Attachment A**.

17 **AUTHORITIES**

18 **Section 116577 of the CHSC**, states in relevant part:

19 “(a) Each public water system shall reimburse the Division for the actual costs incurred by the
20 Division for any of the following enforcement activities related to that water system:

- 21 (1) Preparing, issuing, and monitoring compliance with, an order or citation.
- 22 (2) Preparing, and issuing public notification

23 ...

24 (b) The Division shall submit an invoice for these enforcement costs to the public water system
25 that requires payment prior to September 1 of the fiscal year following the fiscal year in which the costs
26 were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and
27 the hourly cost rate of the Division. The costs set forth in the invoice shall not exceed the total actual
costs to the Division of the enforcement activities specified in this section.”...

Section 116650 of the California Health and Safety Code (hereinafter CHSC), states in relevant part:

“(a) If the Division determines that a public water system is in violation of this chapter or any
regulation, permit, standard, or order issued or adopted thereunder, the Division may issue a citation to
the public water system. The citation shall be served upon the public water system personally or by
registered mail.



(b) Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the statutory provision, standard, order, or regulation alleged to have been violated.

(c) For continuing violations, the citation shall fix the earliest feasible time for elimination or correction of the condition constituting the violation where appropriate. If the public water system fails to correct a violation within the time specified in the citation, the Division may assess a civil penalty as specified in subdivision (e).

(d) For a noncontinuing violation of primary drinking standards, the Division may assess in the citation a civil penalty as specified in subdivision (e).

(e) Citations issued pursuant to this section shall be classified according to the nature of the violation or the failure to comply. The Division shall specify the classification in the citation and may assess civil penalties for each classification as follows:

(1) For violation of a primary drinking standard, an amount not to exceed one thousand dollars (\$1,000) per day for each day that the violation occurred, including each day that the violation continues beyond the date specified for correction in the citation or order.

(2) For failure to comply with any citation or order issued for violation of a secondary drinking water standard that the director determines may have a direct or immediate relationship to the welfare of the users, an amount not to exceed one thousand dollars (\$1,000) for each day that the violation continues beyond the date specified for correction in the citation or order.

(3) For failure to comply with any citation or order issued for noncompliance with any Division regulation or order, other than a primary or secondary drinking water standard, an amount not to exceed two hundred dollars (\$200) per day for each day the violation continues beyond the date specified for correction in the citation."

Section 116655 of the CHSC, states in relevant part:

"(a) Whenever the Division determines that any person has violated or is violating this chapter, or any permit, regulation, or standard issued or adopted pursuant to this chapter, the director may issue an order doing any of the following:

(1) Directing compliance forthwith.

(2) Directing compliance in accordance with a time schedule set by the Division.

(3) Directing that appropriate preventative action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

(2) That purification or treatment works be installed."

California Code of Regulations (hereinafter, CCR), Title 22, Section 64423, Table 64423-A establishes the minimum routine sampling requirements, and states in relevant part:

<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
25 to 1000	15 to 400	1 per month
1,001 to 2,500	401 to 890	2 per month
2,501 to 3,300	891 to 1,180	3 per month
3,301 to 4,100	1,181 to 1,460	4 per month
4,101 to 4,900	1,461 to 1,750	5 per month
4,901 to 5,800	1,751 to 2,100	6 per month
5,801 to 6,700	2,101 to 2,400	7 per month
6,701 to 7,600	2,401 to 2,700	2 per week
7,601 to 12,900	2,701 to 4,600	3 per week
12,901 to 17,200	4,601 to 6,100	4 per week
17,201 to 21,500	6,101 to 7,700	5 per week
21,501 to 25,000	7,701 to 8,900	6 per week
25,001 to 33,000	8,901 to 11,800	8 per week
33,001 to 41,000	11,801 to 14,600	10 per week



<i>Monthly Population Served</i>	<i>Service Connections</i>	<i>Minimum Number of Samples</i>
41,001 to 50,000	14,601 to 17,900	12 per week
50,001 to 59,000	17,901 to 21,100	15 per week

CCR, Title 22, Section 64426.1 establishes the total coliform maximum contaminant level and states in relevant part:

"(a) Results of all samples collected in a calendar month pursuant to Sections 64423, 64424, and 64425 that are not invalidated by the Division or the laboratory shall be included in determining compliance with the total coliform MCL. Special purpose samples such as those listed in 64421(b) and samples collected by the water supplier during special investigations shall not be used to determine compliance with the total coliform MCL.

(b) A public water system is in violation of the total coliform MCL when any of the following occurs:

- (1) For a public water system which collects at least 40 samples per month, more than 5.0 percent of the samples collected during any month are total coliform-positive; or
- (2) For a public water system with collects fewer than 40 samples per month, more than one sample collected during any month is total coliform-positive; or
- (3) Any repeat sample is fecal coliform-positive or E. coli-positive; or
- (4) Any repeat sample following a fecal coliform-positive or E. coli-positive routine sample is total coliform-positive.

(c) If a public water system is not in compliance with paragraphs (b)(1) through (4), during any month in which it supplies water to the public, the water supplier shall notify the Division by the end of the business day on which this is determined, unless the determination occurs after the Division office is closed, in which case the supplier shall notify the Division within 24 hours of the determination. The water supplier shall also notify the consumers served by the water system. A Tier 2 Public Notice shall be given for violations of paragraphs (b)(1) or (2), pursuant to section 64463.4. A Tier 1 Public Notice shall be given for violations of paragraphs (b)(3) or (4), pursuant to section 64463.1."

CCR, Title 22, Section 64424(d) establishes the repeat sampling requirements for total coliform positive samples and states in relevant part:

"(d) If a public water system for which fewer than five routine samples/month are collected has one or more total coliform-positive samples, the water supplier shall collect at least five routine samples the following month. If the supplier stops supplying water during the month after the total coliform-positive(s), at least five samples shall be collected during the first month the system resumes operation."

DETERMINATIONS

Based upon the above *Statement of Facts and Authorities*, the Division has determined that the Boron Rest Stop Water System has violated the following:

1. CCR, Title 22, Section 64426.1(b)(2); Specifically, the Water System violated the total coliform MCL for February 2015, when more than one sample collected in February 2015, tested positive for total coliform bacteria.
2. CCR, Title 22, Section 64424(d); Specifically, the Water System failed to collect five (5) routine total coliform samples in March 2015, following the February 2015 total coliform MCL failure.



1
2 The above violations are classified as non-continuing violations.
3

4 **DIRECTIVES**

5 Boron Rest Stop Water System is hereby directed to take the following actions:
6

- 7 1. Cease and desist from failing to comply with Section 116555(a) of the
8 California Health and Safety Code (CHSC) and Section 64426.1(b)(2), of Title
9 22, California Code of Regulations.
- 10 2. In the future, the Water System shall collect at least five (5) routine
11 bacteriological samples in the month following a total coliform positive
12 sample, whether a total coliform MCL violation occurred or not.
- 13 3. The Water System shall reimburse the Division, in accordance with an invoice
14 that shall be provided to the Water System, the costs for enforcement activities,
15 and such reimbursement shall be made prior to September 1 (or by a different
16 date if specified by the Division) of the fiscal year following the fiscal year in
17 which such costs are incurred as described in CHSC Sections 116577(a)(1-2)
18 and 116577(b).
19

20 **FURTHER ENFORCEMENT ACTIONS**

21 Section 116270, Chapter 4, Part 12, Division 104 of the CHSC authorizes the Division
22 to: issue additional citations with assessment of penalties if a public water system
23 continues to fail or correct a violation identified in a citation; take action to suspend or
24 revoke a permit that has been issued to a public water system if the system has violated
25 applicable law or regulations or has failed to comply with orders of the Division; and
26 petition the superior court to take various enforcement measures against a public water
27



1 system that has failed to comply with orders of the Division. The Division does not
2 waive any further enforcement action by issuance of this citation.

3
4 **PARTIES BOUND**

5 This citation shall apply to and be binding upon Boron Rest Stop Water System, its
6 officers, directors, agents, employees, contractors, successors, and assignees.

7
8 **SEVERABILITY**

9 The directives of this citation are severable, and Boron Rest Stop Water System shall
10 comply with each and every provision thereof, notwithstanding the effectiveness of
11 any other provision.

12
13 **CIVIL PENALTIES**

14 Section 116650, subsections (d) and (e) of the CHSC allow for the assessment of a
15 civil penalty for failure to comply with the requirements of the Safe Drinking Water
16 Act. Failure to comply with any provision of this Citation may result in the Division
17 imposing an administrative penalty of not less than \$200 (two hundred dollars) per day
18 as of the date of violation of any provision of this Citation.

19
20 April 21, 2015
21 Date

22 Jaswinder S. Dhaliwal
Jaswinder S. Dhaliwal, P.E.
Senior Sanitary Engineer
Drinking Water Field Operations Branch

23 Certified Mail No. 7014 3490 0001 7640 9166

24 **ATTACHMENT**

25 Attachment A: Summary of Bacteriological Samples Collected from January
26 2014 – February 2015

27 CC: Kern County Environmental Health Services Department (w/o attachment)

JSD/dc



Attachment A

Boron Rest Stop Water System

1502422

Distribution System Freq: 2/M

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
1/6/2014	13:02	Boron West Bnd (	A	A		Routine			
1/6/2014	13:07	Boron West Bnd (	A	A		Routine			
1/6/2014	13:15	Boron West Bnd (	A	A		Routine			
1/6/2014	17:10	Boron East Bnd (P	A	A		Repeat			
1/6/2014	17:17	Boron East Bnd (S	A	A		Repeat			
1/6/2014	17:20	Boron East Bnd (S	A	A		Repeat			
1/6/2014	17:24	Boron East Bnd (H	A	A		Repeat			
1/6/2014	17:27	Boron East Bnd (H	A	A		Repeat			
2/12/2014	11:20	Boron SRRA West	A	A		Routine			
2/12/2014	11:20	Boron SRRA West	A	A		Routine			
2/12/2014	11:40	Boron SRRA East	A	A		Routine			
2/12/2014	11:40	Boron SRRS East	A	A		Routine			
3/5/2014	12:40	Boron SRRA West	A	A		Routine			
3/5/2014	12:40	Boron SRRA West	A	A		Routine			
3/5/2014	12:50	Boron SRRA East	A	A		Routine			
3/5/2014	12:50	Boron SRRA East	A	A		Routine			
4/8/2014	10:30	Boron SRRA West	A	A		Routine			
4/8/2014	10:30	Boron SRRA West	A	A		Routine			
4/8/2014	10:45	Boron SRRA East	A	A		Routine			
4/8/2014	10:45	Boron SRRA East	A	A		Routine			
5/7/2014	11:20	Boron SRRA West	A	A		Routine			
5/7/2014	11:20	Boron SRRA West	A	A		Routine			
5/7/2014	11:40	Boron SRRA East	A	A		Routine			
5/7/2014	11:40	Boron SRRA East	A	A		Routine			
6/3/2014	10:35	Boron SRRA West	A	A		Routine			
6/3/2014	10:35	Boron SRRA West	A	A		Routine			
6/3/2014	10:45	Boron SRRA East	A	A		Routine			
6/3/2014	10:45	Boron SRRA East	A	A		Routine			
7/8/2014	10:40	Boron B SRRA (ou	A	A		Routine			
7/8/2014	10:40	Boron SRRA West	A	A		Routine			
7/8/2014	10:40	Boron WB SRRA (	A	A		Routine			
7/8/2014	11:00	Boron SRRA East	A	A		Routine			
7/8/2014	11:00	Boron SRRA East	A	A		Routine			
8/4/2014	11:10	Boron SRRA West	A	A		Routine			
8/4/2014	11:10	Boron SRRA West	A	A		Routine			
8/4/2014	11:25	Boron SRRA (east	A	A		Routine			

<i>Sample Date</i>	<i>Time</i>	<i>Location</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Type</i>	<i>Cl2</i>	<i>Violation</i>	<i>Comment</i>
8/4/2014	11:25	Boron SRRA East	A	A		Routine			
9/10/2014	11:15	Boron WB outside	A	A		Routine			
9/10/2014	11:20	Boron WB Inside	A	A		Routine			
9/10/2014	11:40	Boron EB outside	A	A		Routine			
9/10/2014	11:45	Boron EB inside	A	A		Routine			
10/7/2014	11:00	Boron EB SRRA (	A	A		Routine			
10/7/2014	11:00	Boron EB SRRA (	A	A		Routine			
10/7/2014	11:15	Boron WB SRRA (	A	A		Routine			
10/7/2014	11:15	Boron WB SRRA (	A	A		Routine			
11/5/2014	10:20	Boron EB SRRA (	A	A		Routine			
11/5/2014	10:20	Boron EB SRRA (	A	A		Routine			
11/5/2014	10:35	Boron SRRA WB (	A	A		Routine			
11/5/2014	10:35	Boron SRRA WB (	A	A		Routine			
12/2/2014	11:30	Boron SRRA WB (	A	A		Routine			
12/2/2014	11:30	Boron SRRA WB (	A	A		Routine			
12/2/2014	11:35	Boron EB SRRA (	A	A		Routine			
12/2/2014	11:35	Boron EB SRRA (	A	A		Routine			
1/6/2015	10:45	Boron EB SRRA (	A	A		Routine			
1/6/2015	10:45	Boron EB SRRA (	A	A		Routine			
1/6/2015	10:55	Boron SRRA WB (	A	A		Routine			
1/6/2015	10:55	Boron SRRA WB (	A	A		Routine			
2/10/2015	10:50	Boron SRRA WB (	P	A		Routine			
2/10/2015	10:50	Boron SRRA West	A	A		Routine			
2/10/2015	11:05	Boron SRRA East	A	A		Routine			
2/10/2015	11:05	Boron SRRA East	A	A		Routine			
2/12/2015	10:00	Boron SRRA WB (	A	A		Repeat			
2/12/2015	10:00	Boron SRRA WB (	A	A		Repeat			
2/12/2015	10:00	Boron SRRA WB (	A	A		Repeat			
2/12/2015	10:00	Boron SRRA WB (	P	A		Repeat		MCL	Cit. #03-19-15C-003 issued.
2/24/2015	14:30	Mop (SF #1)	A	A		Special			
2/24/2015	14:33	Mop (SF #2)	A	A		Special			
2/24/2015	14:37	Breakroom (SF)	A	A		Special			
2/24/2015	14:40	(HB #1)	A	A		Special			
2/24/2015	14:42	(HB #2)	A	A		Special			
3/1/2015		No 5 Rout.Sample	A	A				MR4	Cit. #03-19-15C-003 issued.

Boron Rest Stop Water System

1502422

Source Monitoring Freq:

<i>Sample Date</i>	<i>Time</i>	<i>Source</i>	<i>T Coli</i>	<i>E Coli</i>	<i>F Coli</i>	<i>Violation</i>	<i>Comment</i>
1/6/2014	17:15	Boron East Bnd (Well)	A	A			
2/12/2015	10:00	Well 02-Westbound	A	A			Repeat
